

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
§
VS § **DOCKET NO.: 4:19CR00232-002**
§
AHMAD BOKAIYAN §

DEFENDANT'S AGREED MOTION TO CONTINUE SENTENCING

TO THE HONORABLE EWING WERLEIN, JR., UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON, DIVISION:

NOW COMES, AHMAD BOKAIYAN, by and through counsel, and moves this Honorable Court to continue sentencing for Seventy-Five (75) days and for good cause would show as follows:

I.

Sentencing in this cause is currently set for Friday, July 24, 2020 at 10:30 a.m. Counsel for Defendant received an initial disclosure copy of the Presentence Investigation Report (PSIR) on March 3, 2020. On March 31, 2020, Defendant filed objections to the PSIR. On April 27, 2020, counsel for Defendant received a revised final PSIR and a sealed addendum to the final PSIR.

II.

This is Defendant's Third Motion to Continue Sentencing.

III.

On July 6th, 2020, counsel for defendant was Ordered by the Court to consult with

Defendant in regards to sentencing via video-conference. After full consultation, the Defendant respectfully desires his sentencing be conducted in person, and does not waive personal appearance.

On July 8, 2020 counsel for Defendant discussed with Assistant United States Attorney Quincy L. Ollison (AUSA Ollison) about defendant's counsel's preference to conduct the hearing in person and about defendant's counsel's concern in attending court on July 24, 2020 when there is still a high risk in getting infected with the Coronavirus disease 2019 (COVID-19). AUSA Ollison also expressed his concern about COVID-19, and we agreed to ask this Honorable Court to continue the July 24, 2020 sentencing date. Unfortunately, the spread of coronavirus has intensified in Harris county, and in many places in the State of Texas. In fact, the positivity of rate of COVID-19 infections has been at its highest in the last few weeks in Harris county, prompting Harris County Judge Lina Hidalgo to move the coronavirus threat level to 1, the most serious level. We are concerned to contract the virus, and would prefer to have the hearing at future date, when is safer for all.

IV.

The purpose of this Motion is not to cause undue delay but rather so that justice may be done.

V.

Defendant and Defendant's attorney, FRANCISCO FERNANDEZ, respectfully request that this Court issue an order in accordance with this Agreed Motion to Continue Sentencing for seventy-five (75) days so that we can protect ourselves from the virus.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully

requests that this Honorable Court grant this motion.

Respectfully Submitted,

/s/ Francisco Fernandez

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020 I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Southern District of Texas using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Francisco Fernandez

Francisco Fernandez

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CERTIFICATE OF CONFERENCE

On July 8, 2020, counsel for the Defendant conferred with Assistant United States Attorney Quincy L. Ollison concerning his position on Defendant's Motion to Continue Sentencing. Mr. Ollison is in agreement with this motion.

/s/ *Francisco Fernandez*

Francisco Fernandez